

# **12 FAH-7 H-430 LOCAL GUARD PROGRAM MANAGERIAL RESPONSIBILITIES**

*(TL:LGP-01; 08-10-2001)*

## **12 FAH-7 H-431 GENERAL**

*(TL:LGP-01; 08-10-2001)*

a. Daily supervisory actions are needed to assure that assigned guards are efficiently performing the required work. Post inspections by contract guard force inspectors or managers, as specified in the contractor's management plan, generally meet this need. However, the RSO or PSO must also conduct personal inspections to ensure that the work of the contractor is being performed properly. This is done through frequent random verification of the work of the managers and inspectors and by personal inspections of posts, records and files as needed. Early detection and documentation of problems like missing equipment, poor understanding of guard orders, or untidy and improperly clothed guards are a basic necessity for ensuring that all LGFs, in general, and large programs, in particular, are providing the required level of security.

b. The RSO and/or PSO must also be constantly alert for any changes in the local security situation. These changes may result from factors as varied as a VIP visit to information indicating a possible terrorist attack. These changes form the basis for on-going analysis and review of the structure and location of posts as well as the level of security in effect. Any required alterations or adjustments should be communicated to the project manager or guard force commander in writing. Verification of the requested adjustments must be obtained.

c. Thus, while use of a contractor to provide guard services may relieve the RSO from many of the management tasks, it does not relieve the RSO of the responsibility for assuring that work is performed in accordance with the terms of the contract and the security needs of the mission.

## **12 FAH-7 H-432 PROGRAM ELEMENTS**

*(TL:LGP-01; 08-10-2001)*

An RSO and/or PSO must address the following items when managing a LGP:

- (1) Initiate and maintain appropriate records and files (i.e., copy of the contract, current Exhibit A, guard orders, equipment inventory, record checks or background checks, incident reports, training, personnel, deduct or compliance file);
- (2) Ensure compliance of all guard orders;
- (3) Update guard orders, as required;
- (4) Ensure that all contract clauses are followed;
- (5) Verify the accuracy of all invoices or bills;
- (6) Forward all correct bills and invoices to the financial management officer (FMO) in a timely fashion to ensure prompt payment;
- (7) Correct any problems or deficiencies which develop and document those which are appropriate for reductions in payment under the deduct schedule;
- (8) Monitor contractor performance through written records to prepare and justify either exercising the next option or initiating a new solicitation;
- (9) Provide technical expertise to the CO in all phases of contract operation;
- (10) Provide information to the FMO to ensure accurate and up-to-date budget forecasts and expenditure rates; and
- (11) Keep Exhibit A updated.

## **12 FAH-7 H-433 LGP ADMINISTRATION AND DOCUMENTATION**

*(TL:LGP-01; 08-10-2001)*

The RSO and/or PSO, when acting as COR for proper administration and documentation of NPS contracts for LGF services, must deal with the following issues:

- (1) **Performance and Evaluation**—The COR must assess contractor performance during the contract. The evaluation should be of both price and performance. Renewals or new contracts should only be awarded to contractors who have clearly demonstrated an acceptable performance record. The standard LGF solicitation requires each offeror to address performance on similar contracts. The offeror must list deductions and/or terminations that occurred under similar contracts within the past three years. The offeror must also list: technical problems and resolutions, terminations (partial or complete), and type (convenience or default), as well as cure or show cause notices.

(2) **Exercising Contract Options**—The CO may exercise a contract option only after making a written determination that the exercise of the option is the most advantageous method of fulfilling the U.S. Government's need. If the COR (RSO or PSO) has failed to properly document poor performance, the CO could possibly be required to exercise an option with a marginal performer. This action could place U.S. Government employees and/or property at a significant risk.

(3) **Notice of Option Exercise**—All contracts with options contain a provision as to the procedure required and the amount of notification time necessary for the option to be exercised. The exercise of an option is at the discretion of the CO, but unless the correct notification procedures are followed, the U. S. Government loses its right to unilaterally extend the contract and the contractor may refuse to perform the option year. In these circumstances, it is the contractors legal right to refuse the extension. The COR (RSO or PSO) is responsible for communicating to the CO, on a regular basis, information on the quality of the services being provided. The COR must also recognize that the contract is for one 12 month period at a time. Succeeding years of service only result if the CO signs the option modification and sends it to the contractor in accordance with the terms of the contract. Failure to do this properly may put the post in jeopardy and cost the Department and other agencies at post more than had previously been negotiated. The RSO and/or PSO is the requiring office and should work with the CO to determine if it is in the U.S. Government's interest to exercise an option year.

## **12 FAH-7 H-434 INADEQUATE LGP ADMINISTRATION BY COR**

*(TL:LGP-01; 08-10-2001)*

The most common mistakes made by a COR in LGF administration are:

- (1) Failure to take appropriate action when the contractor allows an uncleared employee to work without RSO and/or PSO approval;
- (2) Failure to take appropriate action when the contractor allows a guard to work for more than 12 hours in a 24 hour period;
- (3) Failure to take appropriate action when a contractor allows a guard to be armed without the requisite training;
- (4) Failure to take appropriate action when the contractor fails to provide the required equipment;
- (5) Failure to take appropriate action when the contractor fails to provide the required training, and
- (6) Failure to use the deduct schedule.

## 12 FAH-7 H-435 INVOICES

(TL:LGP-01; 08-10-2001)

a. The receipt of an invoice or bill from the contractor, verification of its accuracy and submission to the FMO for payment are among the most important functions for the COR in administering a LGF. Proper review and payment of an invoice requires the following information:

- (1) Name of contractor;
- (2) Invoice date;
- (3) Contract number;
- (4) Description, price, and quantity of services or supplies delivered or rendered;
- (5) Shipping and payment terms, if any;
- (6) Other substantiating documentation or information as required by the contract;
- (7) Name, title, phone number and complete mailing address of the responsible person to whom payment is to be sent, and
- (8) Name, title, phone number and mailing address of the person to be notified in the event of a defective invoice (one that does not contain the proper or required documentation).

b. The contractor must submit to the RSO and/or PSO an original and three copies of each invoice for processing.

c. Copies of invoices provided to the RSO by the contractor for approval should be retained in a file. All approved extraordinary expenses should also be recorded. The operation of the guard force will require the availability of funds for operational expenses that should be under the control of the RSO though disbursed by the FMO. Examples of such expenditures are RSO authorized guard travel and subsistence, guard services to meet unscheduled security needs, and other unanticipated operational needs, such as procurement of radios or weapons to accommodate an increased guard force or to procure new uniforms. Records of such expenditures should be maintained showing the date, the reasons for the procurement, and the cost. Procedures to be used for such expenditures will be in accordance with the contract and consistent with those of the mission for other items and may involve the use of purchase orders in some cases. Such costs are also included in sections of the annual ICASS budget submission regarding the LGP that are sent to DS yearly.

## **12 FAH-7 H-436 LGF TRAINING**

*(TL:LGP-01; 08-10-2001)*

a. Section H of all local guard NPS contracts includes specific requirements for both basic and recertification training. The contractor is required to subject its personnel to the U. S. Government's approval prior to their posting. Contractor personnel are prohibited from providing guard services if they have not successfully completed basic and/or recertification training. Recertification training shall include any new material bearing on the performance of the local guards that is deemed necessary by the COR.

b. If the contractor is not meeting the minimum training requirements, the CO should be notified by the COR. A contractor's failure to provide the required training is considered a serious breach of the contract and necessitates timely and effective corrective action.

c. The Mobile Security Division (MSD) of DS is available at times to assist posts in the training of local guard forces. However, given the number of requests and other assigned duties, MSD must prioritize their requirements. Fiscal resources generally allow only a few scheduled training missions each year and these are generally not scheduled with posts that have NPS contracts.

## **12 FAH-7 H-437 GENERAL AND POST ORDERS**

*(TL:LGP-01; 08-10-2001)*

Whether staffed through NPS contract or PSAs and regardless of the size of the guard force, general and post specific guard orders must be written. These documents establish the standards for guard performance and the basis for guard training in many respects. All post inspections are based on these guard orders, and they form the basis for any disciplinary actions that may be required. General orders are defined as those that apply to all guards, regardless of where they are assigned. Post orders pertain to the duties and responsibilities of a guard assigned to a specific post. At a minimum, all orders should be reviewed as to adequacy as a part of the annual review of the contractor's performance. Although normally a responsibility of the RSO, the preparation of general and post orders may be required of the contractor. If so, the RSO must approve, by signature endorsement, each order prior to its issuance. See also 12 FAH-7 Appendix I.

### **12 FAH-7 H-437.1 General Orders**

*(TL:LGP-01; 08-10-2001)*

All guard orders should be maintained at the post and available for reference and inspection. Guidelines for the preparation of general guard orders follow:

(1) **Use the Proper Language**—The language of the order should be in the language used by the guards. Such orders should also be written in English to facilitate the RSO post inspection.

(2) **Cover All Work Aspects**—General orders should cover all aspects of guard work requirements that are applicable to all guards, regardless of their specific post or assignment. Examples include, but are not limited to; wearing the uniform, personal appearance, display of name tags and official identification, conduct while on duty, maintenance of logs and preparation of records, statements regarding use of force and power of arrest; use of radios, tape players or TV while on duty, sleeping on duty, manning of posts and reporting for duty, use of alcohol and proscribed drugs, violations of orders, eating while on post, post relief, visitors on post; conducting of personal business on post, and the use of the telephone for personal business.

(3) **Relations with the Marine Security Guards (MSG)**—The responsibility of the MSG for monitoring the work performance of the guards does not require that they perform supervisory or administrative functions. However, the LGF guards do have a responsibility to respond to the directions of the MSGs for assuring that security is maintained. Instructions should be included in the general orders to clearly define the relationship between the LGF and the MSG.

(4) **Relations with Host Government Security Forces**—RSO and/or PSO should ensure a clear understanding by PSA and NPS contract guards of the roles, responsibilities and relationships with host government forces assisting in protection of the mission. In like manner, RSO and/or PSO should ensure that the host government forces have a clear understanding of the roles, responsibilities and relationships of the PSA and/or NPS guard force.

(5) **Unacceptable Performance and Discipline**—Violations of general or post orders should be uniformly dealt with by either the contractor or the RSO. The RSO must be able to require that a particular guard be relieved for cause and that a replacement be provided immediately. Orders and/or the deduct schedule should specify that, where orders are violated, immediate removal from post will ensue and that the guard will be discharged. In some cases, local law requires that warnings be given prior to dismissal. Missions should seek relief from such a law and require immediate dismissal where guards violate general or post orders.

(6) **Illness or Incapacitation**—Instructions should be provided for guards who become ill or believe that they would not be able to perform work for any reason. This includes notification of inability to report to duty so as to allow for assignment of replacement personnel.

(7) **The Power of Arrest and Use of Force**—A specific statement in the orders is warranted on this subject and the use of deadly force because of their importance, not only in the conduct of work by guards, but for the protection of the contractor and the U.S. Government from liability arising from guard actions. For example, host country rules must be complied with to ensure that the U.S. Government has appropriate liability protection for such things as the a guard's use of mace or pepper spray.

(8) **Carrying and Handling of Firearms**—A special section of the general orders should apply to the carrying, handling and use of firearms by armed guards, or those providing bodyguard services. The post orders for such posts should include specific details, but general instructions should deal with procedures to be used when a firearm is discharged, for malfunctioning equipment, and in cases of emergency.

(9) **Communications Discipline**—Where guards use radios in the performance of their work, orders should specify how they are to be used, with emphasis on communications discipline and the use of codes or signals. Orders should also state action to be taken when a radio unit is inoperable. Reference should be made to emergency and evacuation (E&E) net and shared frequencies, where appropriate.

(10) **Maintenance of Post Logs**—The responsibility of the guard for maintenance of post logs and the manner in which this is to be carried out should be included in general orders. The procedures for the preparation of reports of security incidents should be addressed. **NOTE:** It is suggested that the RSP and/or PSO consult with the COM and/or PO on appropriate routine entries (i.e., repairman, tradesmen, visitors, etc.) for post logs at the EMR and POR.

## **12 FAH-7 H-437.2 Post Orders**

*(TL:LGP-01; 08-10-2001)*

a. Post orders should have essential operational information provided, such as specific tasks required, call signs, and telephone numbers for persons that must be notified under various circumstances.

b. Post orders should also contain instructions for guards on items such as the following:

- (1) Specific times for events;
- (2) Search requirements for visitors' and vendors' trucks or vans;
- (3) Use of imminent danger notification systems (IDNS) or duress alarms; and
- (4) Raising and lowering of flags.

c. The maintenance of proper operational records is an essential requirement of the guard force. It allows the details of security incidents that arise to be documented and allows the guard to note for the record other items of operational concern. There are two kinds of records prepared by LGF personnel: post logs and incident reports.

## **12 FAH-7 H-437.3 Post Logs**

*(TL:LGP-01; 08-10-2001)*

a. Post logs should be maintained in a bound notebook with serially numbered pages. This should allow for recording the following information, at a minimum:

- (1) Date and time of guard relief;
- (2) Name of the guard on watch;
- (3) Name of the guard supervisor;
- (4) Receipt and condition of issued equipment;
- (5) All breaches of security occurring, including date, time, incident report number, time guard supervisor was notified and how notified;
- (6) Special instructions received from the guard supervisor or the RSO; and
- (7) Date and time of inspection of the post by the guard supervisor or RSO.

b. Additionally, the mission may wish to require:

- (1) Arrival and departure times for the COM, RSO, other officials of the mission, or of special work parties; and
- (2) In the case of vehicles, the vehicle's make and license number and purpose of entry or departure (cargo or personnel transfer).

## **12 FAH-7 H-437.4 Incident Reports**

*(TL:LGP-01; 08-10-2001)*

These are intended to be used to record the information surrounding a specific security incident. For example, what happened, when, where, to whom, and what actions the guard took. Instructions for the preparation of incident reports will include the notification procedure to be used by the guards. The date and time of notification should be shown on the incident report form. A sample form, showing the minimum information that should be required, is given in 12 FAH-7 Appendix VI-3.



## 12 FAH-7 H-438 LGP RECORDS AND FILES

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The RSO will maintain various files to support his or her responsibilities. RSOs are urged to maintain the information and accuracy of files in the same manner as they would like to find them on their arrival at a new post. Accordingly, LGP files should be established to deal with the subjects indicated below.

(1) **Personnel**—Names and qualification information concerning all contractor guard personnel should be maintained, including those submitted for approval but disapproved by the RSO. This includes the initial application, background information, training records, examination test scores, firearms qualification scores and timing, leave records, etc. When PSAs are used a copy of the contract, signed by the guard, should be included. All records regarding commendations or disciplinary actions with related investigative reports should be included.

(2) **Equipment Inventories**—Where the U.S. Government rather than the contractor provides personal equipment or non-expendable items for the guard force, inventory files must be maintained. Such files should include items such as date of last procurement; numbers of items and cost; items issued and on hand; serial numbers, if applicable; rate of use; and a re-ordering time table. Issuance records and accountability forms should be used to show to whom uniforms and personal equipment was provided and when. Inventories, including serial numbers as appropriate, should be established and maintained for all items of non-expendable equipment. Procurement records for each category should be maintained. A re-order schedule should be determined for non-expendable items that takes into account the procurement and shipping lead time. From these records, cost estimates can be made for replacement or for increase in the inventory. Maintenance and repair records should be maintained for each item of equipment. For vehicles, mileage records should be maintained. Weapons inventories should be checked monthly and all weapons examined to be sure that no repairs are needed.

(3) **Contract File**—Copies of all contracts, contract modifications, and correspondence regarding the guard force should be filed.

(4) **Incident Reports**—The originals of all incident reports are to be filed along with all information regarding follow-up actions. Copies of statistical analyses made regarding such reports are also filed here under a sub-heading.

(5) **Inspection and Evaluations**—Documentary results of all post inspections and program evaluations conducted by the RSO are included here. This information will assist in determining whether or not to exercise additional option years.

## **12 FAH-7 H-439 UNASSIGNED**